

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of January 13, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

DISCUSSION

City Manager Flynn reported that after last Wednesday's Council meeting he spoke with the Mayor who advised him that he was considering terminating the contracts with the City Attorney and Envision Law Group. The Mayor recommended that the City hire an attorney to advise Council on the legal ramifications of such action. Mr. Flynn contacted Bob Murphy of Kronick Moskovitz Tiedemann and Girard law firm and arranged for him to meet with the Mayor last Thursday afternoon. Mr. Flynn informed Council that Mr. Murphy would arrive this morning at 7:30 a.m.

Addressing Mr. Flynn, Council Member Howard recalled that Council had given direction to him that information regarding any communication or direction from one Council Member would be passed on to all Members. Ms. Howard stated that the first she heard about this matter was last Friday. She asked why Council was not informed last Wednesday of the direction given by the Mayor.

Mr. Flynn replied that he had overlooked it, due to a heavy work schedule.

Addressing Mayor Hansen, Council Member Howard asked why he did not feel this matter (i.e. retaining the services of outside counsel) warranted consideration by the entire Council.

Mayor Hansen explained that the City Manager has authority to expend a certain amount of funds without seeking Council approval. He felt that because this was an important and complicated matter it would be prudent for Council to obtain legal advice before making a decision.

MOTION:

Mayor Hansen made a motion, Hitchcock second, to retain the services of attorney Bob Murphy to advise Council during its deliberation on the matter being considered today.

DISCUSSION:

Council Member Land noted that the agenda title description did not contain information regarding hiring an outside attorney.

Council Member Hitchcock believed that the motion was related to the agenda topic listed.

In reply to Mayor Pro Tempore Beckman, Mr. Flynn confirmed that he has the authority to make expenditures up to \$5,000 without Council approval and could have sought paid legal advice to assist him in his capacity as chief administrator for the City. For this reason, Mayor Pro Tempore Beckman did not believe the motion was necessary and consequently, whether or not it was listed on the agenda was a moot point. He spoke in support of Council having the advice of an attorney to be apprised of all the legal ramifications surrounding the matter being considered today.

Council Member Howard reported that the Mayor had made a statement to her about his intent during a phone call on Friday. She interpreted that to mean that his decision had been made. She reiterated her assertion that Council should have been given an opportunity to discuss the option of hiring an attorney.

Council Member Land stated that he had not even had an opportunity to review the attorney's résumé or determine whether he was the most qualified to provide the service.

Mayor Hansen suggested that after Council has an opportunity for initial discussion in closed session this morning, if a majority did not wish to have Mr. Murphy advise Council, he would not be invited in.

In answer to Mayor Pro Tempore Beckman, Mr. Flynn stated that he hired attorney Bob Murphy under his own authority.

Council Member Howard expressed concern for adhering to stipulated processes and procedures. She believed that Council had an opportunity for improvement in this area today.

Mayor Hansen reiterated that seeking advice this morning from outside legal counsel is an option for Council. If a determination is made that it is not desired or needed by Council, then Mr. Murphy would not be invited into closed session. He noted that Council had been provided with a copy of the transcript from the January 12, 2004, court proceeding before Judge Damrell (filed).

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman\*, Hitchcock, and Mayor Hansen

Noes: Council Members – Howard and Land

Absent: Council Members – None

*\*NOTE: Mayor Pro Tempore Beckman abstained from voting on this matter without stating a reason, and in accordance with Lodi Municipal Code Section 2.04.140, it was recorded as an affirmative vote.*

Mayor Hansen excused the City Manager and City Attorney from the meeting.

B. CLOSED SESSION

At 7:16 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Public Employee Performance Evaluation/Discipline/Dismissal/Release  
(Government Code §54957)

Title: City Attorney

Title: Envision Law Group

The Closed Session adjourned at 9:01 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 9:02 a.m., Mayor Hansen reconvened the Special City Council meeting and disclosed that Council has adjourned the meeting to 5:30 p.m. this evening.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None

E. ADJOURNMENT

At 9:02 a.m. the meeting was adjourned to January 13, 2004, at 5:30 p.m.

ATTEST:

Susan J. Blackston  
City Clerk